

# Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222

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Fall 2002

Danny M. Clark, M.D., President

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## **Appointments to the Board**

On September 24, 2002, Governor Paul E. Patton appointed Laxmaiah Manchikanti, M.D., to serve on the Board for a term expiring August 31, 2006, replacing Uday V. Dave, M.D., whose term has expired. Dr. Manchikanti's specialty is anesthesiology and he practices in Paducah.

Danny M. Clark, M.D., of Somerset, and C. William Briscoe, M.D., of Corbin, were reappointed representing licensed medical physicians to serve for a term expiring August 31, 2006.

## **Election of Board Officers**

At the September meeting, the Board elected officers for the coming year. Danny M. Clark, M.D., of Somerset was reelected as President, Preston P. Nunnelley, M.D., of Lexington was reelected Vice President and Donald J. Swikert, M.D., of Edgewood was elected Secretary.

## **Notice to Dispensing Practitioners**

As noted in an earlier newsletter, physicians who dispense controlled substances are required to report to the Cabinet for Health Services/Drug Control Branch as of January 1, 1999. Pursuant to KRS 218A.202, CHS has implemented a computerized monitoring system for controlled substances dispensed within the Commonwealth (i.e. KASPER). All physicians who dispense controlled substances from their office are required to report specific information for each dispensation. If you dispense controlled substances, you should contact the Drug Control Branch for information about how to report. (Dispensing means supplying take-home doses; it does not include single doses that the patient takes immediately nor does it include prescriptions that are written.)

The data submitted is stored in a high-security database and access to the information is strictly limited by statute. Drug Control uses the data to identify patients who appear to be drug seekers by obtaining prescriptions from multiple physicians and pharmacies. Also, physicians are able to obtain confirmation that a patient is seeing other physicians for controlled substances. Drug Control can be reached at (502) 564-7985 or by fax at (502) 564-2203.

## **Default of Student Loan/Renewal of Medical/Osteopathic License**

Per House Bill 296, enacted in the 2002 General Assembly, a new section of KRS 164.740 was created for licensing agencies in the Commonwealth to refuse licensing or renewing a license to those in default of repayment obligations in financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA).

If you are in default of repayment obligations be sure to make a satisfactory repayment agreement with KHEAA prior to renewing your Kentucky medical/osteopathic license. Answering "yes" to the question pertaining to KHEAA defaulted loans on your 2003 application for renewal of your medical/osteopathic license will result in your not being allowed to renew your license until the Board has verification that a satisfactory repayment agreement with KHEAA has been made.

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## Final Disciplinary Actions

If you require copies of documentation related to a particular case, please refer to the Board's web site and search using the ***Physician Profile/Verification of Physician License*** page at [www.kbml.org](http://www.kbml.org) or make a written request pursuant to the Kentucky Open Records law.

### **Leonard S. Bodell, M.D., #29069, Phoenix, AZ**

Agreed Order of Indefinite Restriction entered into 09-13-02.

### **Forrest R. Carter, M.D., #33530, Knox Co.**

Agreed Order of Surrender entered into 08-09-02.

### **Alfred L. Chatman, M.D., #14935, Jefferson Co.**

Agreed Order of Indefinite Restriction entered into 09-03-02.

### **Frederick H. Coates, M.D., #21689, Jessamine Co.**

Amended Agreed Order of Indefinite Restriction entered into 09-11-02.

### **Warren M. Cox, IV, M.D., #24435, Jefferson Co.**

Order of Suspension/Probation issued 09-03-02. Effective 10-04-02.

### **Norman I. Hirsch, D.O., #02422, Kenton Co.**

Agreed Order of Surrender entered into 08-22-02.

### **Gary D. James, D.O., #02164, Trigg Co.**

Agreed Order of Surrender entered into 09-26-02.

### **Dan M. Miller, M.D., #20118, Calloway Co.**

Agreed Order of Indefinite Restriction entered into 09-05-02.

### **Nikhil S. Parulekar, D.O., #02630, Whitley Co.**

Amended Agreed Order of Revocation; Probation issued 09-19-02.

### **Harold L. Reams, M.D., #14359, Fayette Co.**

Order of Revocation, Stayed; Order of Suspension and Probation issued 09-03-02. Effective 10-04-02.

### **David L. Schenkar, M.D., #16940, Olympia, WA**

Order Terminating Agreed Order of Probation entered into 08-21-02.

### **Alan D. Shultz, M.D., #30784, Clark Co.**

Agreed Order of Suspension; Indefinite Restriction entered into 08-09-02.

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### **Bruce C. Smith, M.D., #17274, Hickman Co.**

Agreed Order Reinstating License; Agreed Order of Indefinite Restriction entered into 09-19-02.

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## KBML 2002 Annual Report

The annual report for fiscal year ending June 30, 2002 has been filed with the Governor's Office and is available on the Board's web site at [www.kbml.org](http://www.kbml.org).

## 2002 Kentucky Medical Directory Available

The 2002 medical directory is now available. This publication is available in two volumes. Volume I is an alphabetical listing of all physicians currently registered in Kentucky and Volume II is a listing by county. Each volume contains the physician's name, practice address, office telephone number if available, license number and specialty based on information provided by the physician. The cost of each publication is \$15.90 (includes KY sales tax) plus an additional \$4.00 shipping and handling charge for each volume ordered. To order your copy, please send your request with a check for the proper amount to the Board's office.

## New Video Self-Study Program for Kentucky Physicians

A free CME program offers Kentucky doctors proven methods for helping their patients stop using tobacco through brief office encounters. The Kentucky Cancer Program has developed this video self-study program for physicians based on the federal clinical practice guideline "Treating Tobacco Use and Dependence." The guidelines stress the importance of repeated doctor's advice, pharmacotherapies and the necessity of social support in quit attempts.

Numerous Kentucky doctors appear in the 30-minute video offering testimonials regarding their experiences with patients who use tobacco products. In addition to the video, the program includes a toolkit with printed educational materials for doctors and their patients and a list of cessation resources.

The program may be ordered from the Kentucky Cancer Program at (502) 852-6318 or (800) 334-8635 ext.6318. Physicians completing the program will receive two hours of Category 1 CME credit through the Kentucky Medical Association.

This program was developed with financial support from the Kentucky Department for Public Health. Partners include the Kentucky Medical Association, Jefferson County Medical Society, the medical schools of the University of Louisville and University of Kentucky and many physician specialty groups.

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## Physician/ARNP Collaborative Agreement Guidelines

Kentucky statutes allow Advanced Registered Nurse Practitioners (ARNP's) to issue prescriptions for nonscheduled legend drugs as defined in KRS 217.905. Before an ARNP engages in the prescribing of non-scheduled legend drugs, as authorized by KRS 314.011(8), the ARNP is required to enter into a written collaborative practice agreement with a physician that defines the scope of the prescriptive authority.

Pursuant to KRS 311.595(9), as illustrated by KRS 311.597(4), a physician's practice must conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky. The Board has adopted the following guidelines as the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky regarding a physician's role in such collaborative agreements:

1. The physician entering into a collaborative agreement must possess a full and unrestricted Kentucky medical license in good standing and shall have an active clinical practice in the state in which no less than twenty hours per week shall involve direct patient care.
2. Agreements will be automatically terminated when disciplinary action is taken against the physician. When disciplinary action is taken the physician must notify the affected nurse(s) and the Kentucky Board of Nursing of the disciplinary action and the termination of the agreement.
3. A physician may not enter into a collaborative agreement with more than two ARNP's at any given time. The collaborative agreement cannot exceed two years in length but may be renewed.
4. The physician must practice in the same geographical area as the ARNP. The physician does not have to be present when the ARNP is providing services. However, there must be reliable means available to have direct communication with the physician at all times.
5. The physician shall be trained and fully qualified in the field of the ARNP's specialty.
6. The agreement must contain a formal arrangement for coverage to be utilized when the physician is not available in the same geographical area.
7. The collaborative agreement shall be in writing, signed and dated by the physician and the ARNP.
8. Any physician entering into a collaborative agreement shall notify the KBML in writing. The fully executed copy of the collaborative agreement shall be kept in the physician's office. Upon request, the physician will be required to provide a copy of the agreement to the Board.

The Board may grant an exemption of any of the above guidelines based upon factors unique to a particular situation or relationship.

## CME Cycle Ends December 31, 2002

This is the final year of the three-year Continuing Medical Education (CME) cycle (January 1, 2000 – December 31 2002). In order to meet the CME requirement, Board regulation 201 KAR 9:310 requires all physicians maintaining a current Kentucky medical/osteopathic license to obtain 60 hours of CME for the cycle noted above. Thirty of these hours must be in Category 1 accredited by the Accreditation Council on Continuing Medical Education or the American Osteopathic Association. Two of the 60 hours must be in a HIV/AIDS course that has been approved by the Kentucky Cabinet for Health Services pursuant to 902 KAR 2:160. The remaining thirty hours can be in either Category 1 or may consist of non-supervised personal training activities designated as Category 2 CME hours. If information is needed on the HIV/AIDS education course, you may contact the Cabinet for Health Services at 502/564-6539 or visit their web site at <http://publichealth.state.ky.us/hiv-aids.htm>.

The Board may grant an extension of time to a physician, who for sufficient cause has not yet completed their CME requirement. The physician who fails to complete the CME requirement or who fails to obtain an extension of time shall be fined a minimum of \$200 and given six months to come into compliance. After the six-month period, should the licensee still not be in compliance, his or her license shall be immediately suspended until such time as verifiable evidence is submitted indicating completion of the CME requirement. ***Under no circumstance will waivers be granted from this requirement.***

If a physician is requesting an extension, he/she will need to submit a letter to the Board requesting this extension. If this request is due to medical reasons, a letter from the treating physician must be provided. The time to request an extension is at the end of the CME cycle, or by April 1, 2003.

The Board will randomly audit physicians who have certified that they have completed this requirement. In the event that you are audited you will be required to demonstrate satisfactory completion of the CME requirement stated. Documentation of the CME acquired for the January 1, 2000 – December 31, 2002 cycle should be retained until December 31, 2005. Unless notified in writing by the Board that you have been selected for audit, please do not send documentation of your CME credits to the Board.

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## 2003 Renewal of Medical License

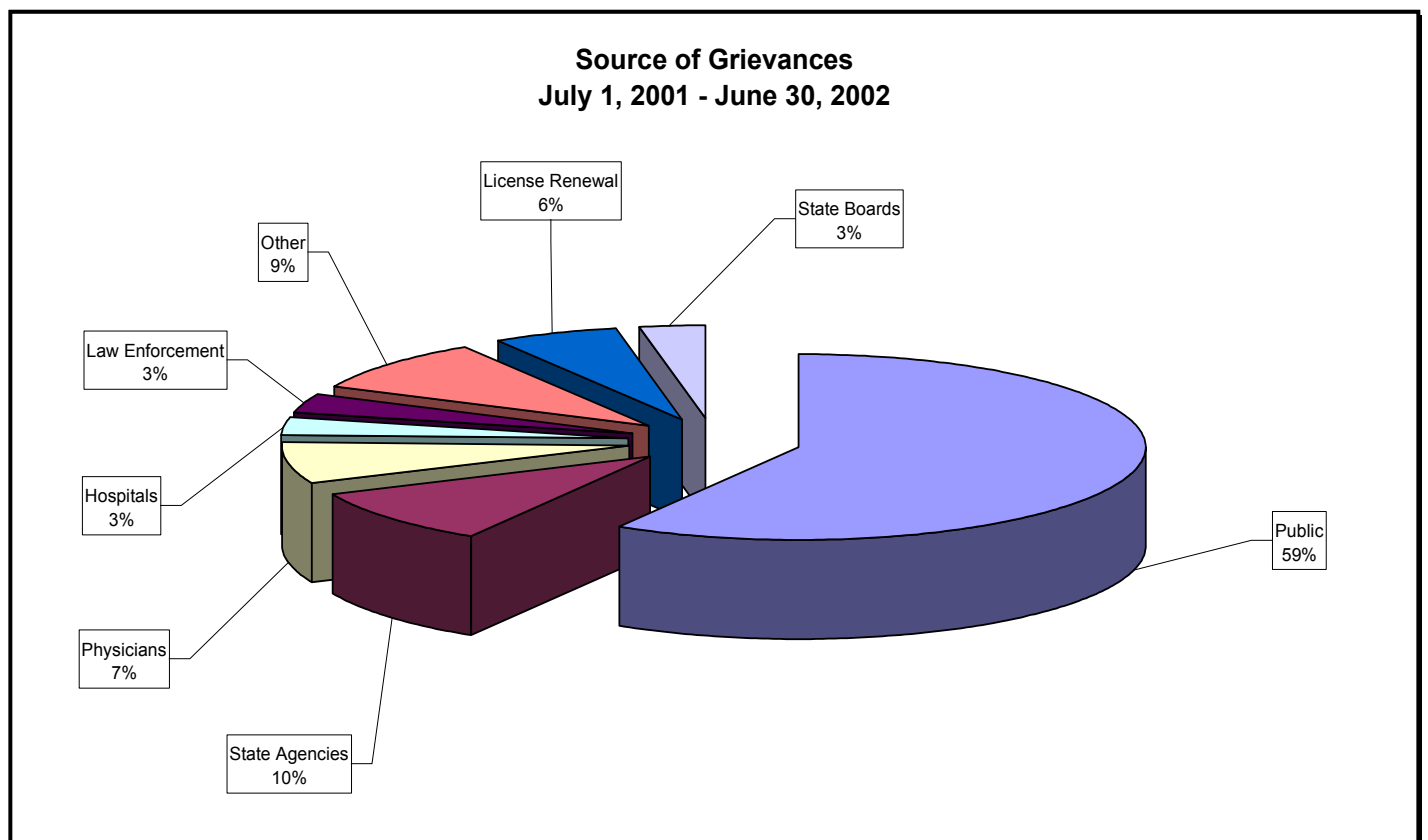
Forms for 2003 renewal of medical/osteopathic licenses will be mailed in December. Failure to renew your license prior to the April 1, 2003 deadline will cause your license to automatically become inactive and subsequent practice in Kentucky will be considered the unauthorized practice of medicine or osteopathy. The \$125.00 renewal fee is due by March 1, 2003. Renewals paid after March 1, but prior to the April 1 deadline may be made by payment of an additional \$50.00 penalty fee.

Each year all physicians who wish to maintain their Kentucky medical/osteopathic license are required to complete a renewal application. The application instructs the applicant to answer a series of questions pertaining to a number of topics, including criminal convictions, disciplinary actions, drug and alcohol problems, etc. When completing the application, the physician should be mindful of the following points:

- The instructions on the application direct the applicant to disclose information about events that have occurred since last applying to renew their medical license. The applicant needs only to provide information about events that occurred during the past year. It is not necessary to report events that were previously reported.
- Each time an applicant answers "yes" to a question on the application, he/she is required to submit an explanation of the circumstances that gave rise to that disclosure. The Board and/or its staff review the information provided in the application. In most cases submitting a "yes" answer will not result in any action against the physician's license.
- Some information on the renewal form is confidential. The information contained on the first two pages of the renewal application is considered public information. Answers to questions may be considered by the Board and may be disclosed in any contested case proceeding, including a Show Cause proceeding, or an appeal of a licensing decision based upon them. The questions pertaining to drug and alcohol abuse and to physical and medical issues comply with the Americans with Disabilities Act.
- Incomplete renewals received will be returned and completion and resubmission will be required before the license will be renewed.

## Source of Grievances

During the past year 266 grievances were received against physicians licensed in the state. Listed below is a chart that depicts the source and percentages based on the grievances registered with this office.



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**Kentucky Board of Medical Licensure**

**Change of Address Notice**

**Please Note:** The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at [www.kbml.org](http://www.kbml.org).

*(Please Print or Type Information)*

**Date:** \_\_\_\_\_

**KY License Number:** \_\_\_\_\_

**Name:** \_\_\_\_\_  
(last) (first) (m.i.)

**Mailing Address:** \_\_\_\_\_  
(street)

\_\_\_\_\_  
(city) (state) (zip)

**KY Practice County:** \_\_\_\_\_ **Office Telephone:** \_\_\_\_\_

**Practice Address:** \_\_\_\_\_  
(street)

\_\_\_\_\_  
(city) (state) (zip)

**E-Mail Address:** \_\_\_\_\_

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Louisville, KY 40222

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